

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. \_\_\_\_\_ 2018-090

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Joshua Fleischmann	<i>JF</i>	3/30/2018	<b>RECEIVED</b>  <b>APR 03 2018</b>  <b>WHATCOM COUNTY COUNCIL</b>	3/13/2018	Natural Resources Committee
Division Head: Mark Personius	<i>MP</i>	3/30/2018		4/10/2018	Natural Resources Committee
Dept. Head: Mark Personius	<i>MP</i>	3/30/2018			
Prosecutor: Royce Buckingham	<i>KNF</i>	3/30/2018			
Purchasing/Budget:					
Executive: Jack Louws	<i>JL</i>	4.2.18			

**TITLE OF DOCUMENT:**  
 Briefing of Mineral Resource Lands (MRL) County-wide Designation Process

- ATTACHMENTS:**
1. Cover Letter
  2. Mineral Resource Lands Designation Criteria

SEPA review required?    ( ) Yes    ( X ) NO SEPA review completed?    ( ) Yes    ( X ) NO	Should Clerk schedule a hearing?    ( ) Yes    ( X ) NO Requested Date:
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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

As a follow-up to the discussion at the March 13, 2018 Natural Resources Committee, this briefing is to discuss specific MRL designation criteria and how they are applicable to a countywide review of potential resource areas for inclusion in the Whatcom County Comprehensive Plan as designated mineral resource lands.

The presentation will describe how the existing criteria may be used to exclude portions of the identified Potential Resource Areas (PRAs) from MRL designation.

<b>COMMITTEE ACTION:</b>	<b>COUNCIL ACTION:</b>
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<b>Related County Contract #:</b>	<b>Related File Numbers:</b>	<b>Ordinance or Resolution Number:</b>
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**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).

**WHATCOM COUNTY**

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**Mark Personius, AICP**  
Director

## Memorandum

TO: The Honorable Jack Louws, Whatcom County Executive  
The Honorable Whatcom County Council

FROM: Joshua Fleischmann, Planner

THROUGH: Mark Personius, Director *MP*

DATE: March 30, 2018

SUBJECT: Briefing of Mineral Resource Lands (MRL) County-wide Designation Process

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The purpose of this briefing is to discuss specific MRL designation criteria and how they are applicable to a countywide review of potential resource areas for inclusion in the Whatcom County Comprehensive Plan as designated mineral resource lands. The MRL designation criteria are included with this memo.

Staff have divided the criteria into the following categories, discussed further below:

- Criteria that are generally clear
- Criteria that are less clear
- Criteria that may not be applicable at the countywide review level

### CRITERIA THAT ARE GENERALLY CLEAR

The following criteria are generally clear and can be applied to potential resource areas using GIS software with minimal manipulation or discussion:

- Criterion #2  
Minimum MRL Designation size is twenty acres
- Criterion #7 (in part)  
MRL Designations must not be within nor abut developed residential zones or subdivisions platted at urban densities
- Criterion #8  
MRL Designations must not occur within the 10 year zone of contribution for designated wellhead protection areas, as approved by the State Department of Health for Group A systems, and by the Whatcom County Health Department for Group B systems, in accordance with source control provisions of the regulations on water system comprehensive planning. MRL designations may be modified if a wellhead protection area delineated subsequent to MRL designation encompasses areas within a designated MRL. If a fixed radii method is used to delineate a wellhead protection area, the applicant may elect to more precisely delineate the wellhead protection boundary using an analytical model; provided, that the delineated

boundary proposed by the applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health for Group A systems, and by the Whatcom County Health Department for Group B systems. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.

- Criterion #13  
Abutting parcel size density must not exceed one unit per nominal five acres for more than 25% of the perimeter of the site unless project specific mitigation is created.
- Criterion #15  
Prohibit MRL designations in areas designated Agriculture by the Whatcom County Comprehensive Plan that contain "Prime Farmland Soils" determined by the Natural Resource Conservation Service.
- Criterion #16  
MRL Designation status applies to river gravel bars possessing necessary permits and containing significant quality reserves.
- Criterion #17  
MRL Designation status may apply to those upland sites located in proximity to river gravel sources and used primarily for handling and processing significant amounts of river gravel.

#### CRITERIA THAT ARE LESS CLEAR

The following criteria may require additional discussion to clearly define the specifics of a given criterion or are qualitative in nature:

- Criterion #7 (in part)  
MRL Designations must not be within nor abut developed residential zones or subdivisions platted at urban densities.
- Criterion #9  
MRL Designation should not enclose by more than 50% non-designated parcels.
- Criterion #11  
MRL Designations must be reviewed for internal consistency with other parts of the comprehensive plan so that the MRL designation does not preclude achievement of other parts of the comprehensive plan.
- Criterion #14  
Must demonstrate higher value as mineral resource than forestry resource based upon:
  - soil conditions
  - quality of mineral resource
  - sustainable productivity of forest resource

#### CRITERIA THAT MAY NOT BE APPLICABLE AT COUNTYWIDE REVIEW LEVEL

The following criteria may not be applicable at the countywide level, as they are more site-specific in nature:

- Criterion #1

Non-metallic deposits must contain at least 1,000,000 cubic yards of proven and extractable sand, gravel, or rock material per new MRL Designation.

- Criterion #3  
Expansion of an existing MRL does not need to meet criteria 1 or 2.
- Criterion #4  
MRL Designation status does not apply to surface mines permitted as an accessory or conditional use for the purpose of enhancing agriculture or facilitating forestry resource operations.
- Criterion #5  
All pre-existing legal permitted sites meeting the above criteria will be designated.
- Criterion #6  
The site shall have a proven resource that meets the following criteria:
  - Construction material must meet current WSDOT Standard Specifications for common borrow criteria for road, bridge and municipal construction, or Whatcom County standards for other uses.
  - Sand and gravel deposits must have a net to gross ratio greater than 80% (1290 cy/acre/foot).
- Criterion #10  
Site-specific MRL designations shall only be approved after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.
- Criterion #12  
Expansion of MRL Designations to parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with an existing mine is allowed, but before extraction of the additional area may commence the existing mine must be in complete compliance with all operating permits and regulations.
- Criterion #18  
For metallic and rare minerals, mineral designation status extends to all patented mining claims.
- Criterion #19  
Mineral Resource Designation status extends to all currently permitted industrial mineral deposits of long-term commercial significance
- Criterion #20  
All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through 15, as applicable.

**Mineral Resource Lands (MRL) – Designation Criteria**Non-Metallic Mineral Deposits*General Criteria*

1. Non-metallic deposits must contain at least 1,000,000 cubic yards of proven and extractable sand, gravel, or rock material per new MRL Designation.
2. Minimum MRL Designation size is twenty acres.
3. Expansion of an existing MRL does not need to meet criteria 1 or 2.
4. MRL Designation status does not apply to surface mines permitted as an accessory or conditional use for the purpose of enhancing agriculture or facilitating forestry resource operations.
5. All pre-existing legal permitted sites meeting the above criteria will be designated.
6. The site shall have a proven resource that meets the following criteria:
  - Construction material must meet current WSDOT Standard Specifications for common borrow criteria for road, bridge and municipal construction, or Whatcom County standards for other uses.
  - Sand and gravel deposits must have a net to gross ratio greater than 80% (1290 cy/acre/foot).
7. MRL Designations must not be within nor abut developed residential zones or subdivisions platted at urban densities.
8. MRL Designations must not occur within the 10 year zone of contribution for designated wellhead protection areas, as approved by the State Department of Health for Group A systems, and by the Whatcom County Health Department for Group B systems, in accordance with source control provisions of the regulations on water system comprehensive planning. MRL designations may be modified if a wellhead protection area delineated subsequent to MRL designation encompasses areas within a designated MRL. If a fixed radii method is used to delineate a wellhead protection area, the applicant may elect to more precisely delineate the wellhead protection boundary using an analytical model; provided, that the delineated boundary proposed by the applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health for Group A systems, and by the Whatcom County Health Department for Group B systems. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.
9. MRL Designation should not enclose by more than 50% non-designated parcels.
10. Site-specific MRL designations shall only be approved after mineral extraction impacts have been anticipated and evaluated, and potential adverse

environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

11. MRL Designations must be reviewed for internal consistency with other parts of the comprehensive plan so that the MRL designation does not preclude achievement of other parts of the comprehensive plan.
12. Expansion of MRL Designations to parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with an existing mine is allowed, but before extraction of the additional area may commence the existing mine must be in complete compliance with all operating permits and regulations.

*Additional Criteria for Designated Urban and Rural Areas*

13. Abutting parcel size density must not exceed one unit per nominal five acres for more than 25% of the perimeter of the site unless project specific mitigation is created.

*Additional Criteria for Designated Forestry Areas*

14. Must demonstrate higher value as mineral resource than forestry resource based upon:
  - soil conditions.
  - quality of mineral resource.
  - sustainable productivity of forest resource.

*Additional Criteria for Designated Agricultural Areas*

15. Prohibit MRL designations in areas designated Agriculture by the Whatcom County Comprehensive Plan that contain "Prime Farmland Soils" determined by the Natural Resource Conservation Service.

*River and Stream Gravel*

16. MRL Designation status applies to river gravel bars possessing necessary permits and containing significant quality reserves.
17. MRL Designation status may apply to those upland sites located in proximity to river gravel sources and used primarily for handling and processing significant amounts of river gravel.

*Metallic and Industrial Mineral Deposits*

18. For metallic and rare minerals, mineral designation status extends to all patented mining claims.
19. Mineral Resource Designation status extends to all currently permitted industrial mineral deposits of long-term commercial significance.
20. All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through 15, as applicable.

**Mineral Resources – Site Selection Method**

1. Sites meeting Mineral Resources Designation Criteria 1-5 (and areas enclosed by these sites greater than 50%).
2. Sites requested by owner or operator meeting designation criteria.